

Decision 16-09-023 September 15, 2016

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Stephen Thornton,

Complainant,

vs.

Park Water Company (U314W),

Defendant.

(ECP)
Case 16-03-007
(Filed March 9, 2016)

Stephen Thornton, for himself, Complainant.

Edward Jackson, for Park Water Company, Defendant.

DECISION GRANTING RELIEF IN PART

Summary

This decision grants, in part, Complainant's request that he not be billed for excessive water consumption at his former residence in Compton California. In his Complaint, Mr. Stephen Thornton (Complainant) requests that he not be required to pay any portion of a \$617.56 bill (reduced from \$5,325.00) from the Park Water Company (Defendant). We find that it is reasonable to reduce Mr. Thornton's bill to \$250.00 and allow him twelve months to repay the bill, without interest or additional fees. This case is closed.

1. Complainants' Contentions

The Complainant, Stephen Thornton, was a resident of 2114 W. 152 Street in Compton, California (the Property) and a customer of record of the Defendant, when the events that are the subject of the instant

Complaint occurred. Mr. Thornton states that his monthly water bill from the Park Water Company averaged about \$25.00 per month.¹ In July/August 2015, Mr. Thornton states that he received a bill of over \$5,000.00 for his monthly water usage. Mr. Thornton states that in 2014 his water meter had been moved from rear of his home to the front.² He asserts that a water valve at the rear of his home was left open and that the open valve was the source of the leak. He asserts that his neighbor pointed out the open valve and turned it off.

Complainant also asserts that there was never any sign of water leakage and, that once the valve was closed, his monthly water bill returned to its previous average.³ Finally Mr. Thornton claims that Park Water Company did not make any repairs to the water line in the rear of his home.⁴

Mr. Thornton argues that he did not receive any benefit from the alleged excessive water usage and that he should not be billed for said usage.⁵

2. Defendant's Contentions

Defendant asserts that the leak in the Complainant's water line was not caused by the relocation of the water meter from the backyard to the front of the home. Park Water contends that meter relocation was completed on May 27, 2014, almost a year and half in advance of the development of the leak.⁶ Defendant states that it became aware of the leak in August 2015 as the Complainant's water usage was significantly different than his historical water

¹ Complaint of Stephen Thornton, §F.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.* at §G(4).

⁶ Answer of Park Water Company, p.2, §II.

usage. Defendant states that it confirmed Complainant's water meter was operating properly but the meter was running "fast" indicating a potential leak.⁷ Defendant states that it sent personnel to the Complainant's home and found that the source of the leak was a broken plastic pipe, serving a sprinkler line, in the backyard. Defendant states that leak was stopped by turning off the rear valve.⁸

In its Answer, the Defendant provided a Table⁹ showing the Complainant's average monthly water usage. The usage ranged from a low of 300 cubic feet every two months to a high of 900 cubic feet every two months. Complainant's water usage in August 2015 (the period covering the alleged leak) was 77,500 cubic feet. Based on this usage, Defendant initially billed the Complainant \$5,325.35. The bill was later reduced to \$3,208.41; reduced again to \$1,499.38; and reduced again to the current bill of \$617.56.¹⁰ Park Water contends that Mr. Thornton's current bill of \$617.56 is less than 12% of his initial bill of \$5,325.35. Defendant contends that it is only seeking the "variable cost" of the water used by the Complainant and that all customers are responsible for all of the water that passes through the water meter including leaks.¹¹

3. Discussion

A hearing in this matter was held in the Commission's Los Angeles Office on April 18, 2016. At the hearing, the Complainant indicated that he no longer resided at the Property, but stated that there was not a back yard sprinkler

⁷ Answer of Park Water Company, p.2, §II.

⁸ *Id.*

⁹ *Id.* at 3

¹⁰ *Id.*

¹¹ *Id.*, §II at 3-4.

system as claimed by the Defendant. When asked if his backyard had been covered in water, Mr. Thornton said no. When the Defendant was asked if the backyard had indications of being inundated with water, it could not recall. The assigned Administrative Law Judge (ALJ) ordered the Defendant to return to the Property and ascertain if there was, in fact, a back yard sprinkler system. In addition, the Defendant was ordered to provide notice of its visit to the Property to the Complainant and allow him to be present.

On May 13, 2016, the Defendant's representative, Edward Jackson, sent an e-mail to the assigned ALJ stating that:

As Mr. Thornton stated during the hearing, he no longer resides at 2114 W 152nd Street Compton, CA. The Company has gone to the property, however, the property is currently unoccupied. Additionally we have been unsuccessful in our attempts to contact the property owner in order to gain access to the backyard of the property. We are therefore unable to complete the follow-up investigation as discussed at the hearing.¹²

There appears to be no way to reasonably confirm whether or not there was a backyard sprinkler system at the Property. The Complainant has acknowledged that there was a valve in his backyard that he asserts had been "left open" by the Defendant and that this valve was the source of the leak. Mr. Thornton also claims that it was his neighbor, not the Defendant, who closed the valve.

The Defendant asserts that the work it did at the Property was completed a year and a half prior to the leak and that it turned off the rear valve. When asked to explain why the backyard was not inundated with water, given the alleged scope of the leak (77,500 cubic feet), Defendant could not. When the

¹² May 13, 2016 e-mail from Edward Jackson on behalf of Park Water Company.

Complainant was asked to explain why the leak did not present for a year and half if the backyard valve had been left open by the Defendant, when the line was moved, he could not.

The only undisputed facts in this proceeding are that there was a water leak and that it occurred at the Property. The cause, duration, and scope of the leak are all in dispute. The Complainant asserts that his water bill averaged \$25.00 per month. The Defendant asserts that there was leak at the property. that customers are responsible for all of the water that passes through their water meter including leaks. However, in this matter, it is difficult to ascertain how much water in fact passed through the meter.

We conclude that there was in fact a leak but we do not agree with the Defendant's determination of its scope. It is reasonable to assume that a significant leak would increase Mr. Thornton's water usage by at least a factor of ten; therefore the Complainant's bill for the period of the leak should be adjusted to \$250.00 ($\25.00×10).

The Complainant will be given up to twelve months to pay the adjusted bill of \$250.00. Defendant will not be allowed to charge interest or place additional fees on the outstanding balance.

4. Assignment of Proceeding

Liane M. Randolph is the assigned Commissioner and W. Anthony Colbert is the assigned ALJ in this proceeding.

5. Waiver of Comment Period

Pursuant to Rule 14.7(b), the 30-day public review and comment period is not applicable in Expedited Complaint proceedings such as this.

ORDER

IT IS ORDERED that:

1. Complainant's outstanding water bill from the Park Water Company for the leak occurring at his former residence shall be reduced from \$617.56 to \$250.00.
2. Complainant shall have twelve months from the date of this order to pay the outstanding bill of \$250.00.
3. Park Water Company shall not charge interest or any other fess on Complainants' outstanding water bill.
4. Case 16-03-007 is closed.

This order is effective today.

Dated September 15, 2016, at San Francisco, California.

MICHAEL PICKER

President

MICHEL PETER FLORIO

CATHERINE J.K. SANDOVAL

LIANE M. RANDOLPH

Commissioners

Commissioner Carla J. Peterman, being
necessarily absent, did not participate.